

# EXHIBIT “J”

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Page 1

1 IN THE UNITED STATES DISTRICT COURT  
 2 FOR THE MIDDLE DISTRICT OF ALABAMA  
 3 NORTHERN DIVISION  
 4 GERALD RUHNOW and CONNIE \*  
 5 RUHNOW, \*  
 6 Plaintiffs, \* CIVIL ACTION NO. 2:05 CV 527-F  
 7 vs. \*  
 8 LANE HEARD TRUCKING, LLC., \*  
 9 et al., \*  
 10 Defendants, \*  
 11 \*\*\*\*\*  
 12 VIDEOTAPED  
 13 DEPOSITION OF: RANDALL JACKSON  
 14 DATE TAKEN: April 1, 2006  
 15 TIME: 9:19 a.m.  
 16 PLACE: 111 North Orange Avenue  
 17 Suite 1060  
 18 Orlando, Florida  
 19 REPORTED BY: Jan L. O'Steen, Court Reporter  
 20 Notary Public  
 21 \*\*\*\*\*  
 22  
 23  
 24  
 25

Page 3

1 INDEX  
 2  
 3 DEPOSITION OF RANDALL JACKSON  
 4 Direct Examination by Ms. Hammett ..... 5  
 5 Cross-Examination by Mr. Sparrow. .... 45  
 6 Cross-Examination by Mr. Garrett ..... 58  
 7 Cross-Examination by Ms. Ambrose ..... 68  
 8 Redirect Examination by Ms. Hammett ..... 69  
 9 STIPULATIONS ..... 71  
 10 CERTIFICATE OF OATH. .... 72  
 11 CERTIFICATE. .... 75

12 EXHIBITS  
 13 Defendant's Exhibit 1 ..... 23  
 14 Defendant's Exhibit 2 ..... 41  
 15  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25

Page 2

1 APPEARANCES:  
 2 Appearing on behalf of the Plaintiffs:  
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 Montgomery, Alabama 36104  
 (334) 834-8440  
 ALSO PRESENT: DAWN BOOKBINDER, VIDEOGRAPHER

Page 4

1 WHEREUPON,  
 2 The following proceedings were had,  
 3 THE VIDEOGRAPHER: Here begins videotape  
 4 number one in the deposition of Randall  
 5 Jackson, in the matter of Gerald Ruhnow and  
 6 Connie Ruhnow versus Lane Heard Trucking,  
 7 L.L.C., et al, Case No. 2:05 CV 527-F. We are  
 8 on the record at 9:19 a.m., on April 1st, 2006,  
 9 Saturday.  
 10 This deposition is taking place at 111  
 11 North Orange Avenue, Suite 1060. And the  
 12 videographer is Dawn Bookbinder. And, I'm  
 13 sorry, this is being taken in Orlando, Florida.  
 14 Will counsel please identify yourselves  
 15 and state whom you represent?  
 16 MS. HAMMETT: This is Katie Hammett. I  
 17 represent the defendant, Lane Heard Trucking.  
 18 MR. SPARROW: Callen Sparrow, on behalf of  
 19 the plaintiffs, Gerald and Connie Ruhnow.  
 20 MS. WILLIS: April Willis, on behalf of  
 21 the defendant, Michael Adkins.  
 22 MR. GARRETT: Brett Garrett, on behalf of  
 23 defendant Christy Champion.  
 24 MS. AMBROSE: Linda Ambrose, on behalf of  
 25 intervenor, Northland Insurance Company.

1 (Pages 1 to 4)

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| Page 5  | Page 7  |
|---|---|
| <p>1<br/>2 THE VIDEOGRAPHER: Will the reporter<br/>3 please swear in the witness.<br/>4 WHEREUPON,<br/>5 RANDALL JACKSON,<br/>6 a witness herein, having first been duly sworn, was<br/>7 examined, and testified as follows:<br/>8 DIRECT EXAMINATION<br/>9 BY MS. HAMMETT:<br/>10 Q Mr. Jackson, my name is Katie Hammett, and<br/>11 I represent Lane Heard Trucking, who is the employer<br/>12 of a truck driver named Michael Dukes, who was<br/>13 killed in an accident that took place on March 7th,<br/>14 2005, on Highway 231 in Troy, Alabama.<br/>15 This lawsuit has been brought by Gerald<br/>16 and Connie Ruhnow, and Gerald Ruhnow is the driver<br/>17 of the other truck involved in the accident. And<br/>18 Mr. Ruhnow is suing my client, Lane Heard Trucking,<br/>19 and also Michael Adkins and Christy Champion.<br/>20 For the record, can you please state your<br/>21 name?<br/>22 A Randall Jackson.<br/>23 Q Is that your full name? Do you have a<br/>24 middle name?<br/>25 A Yes. Randall Sylvester Jackson.</p>      | <p>1 MS. HAMMETT: Yes, Linda.<br/>2 MS. AMBROSE: Did we go over the<br/>3 stipulations?<br/>4 MS. HAMMETT: We didn't. Is everybody<br/>5 okay with the usual stipulations?<br/>6 MS. AMBROSE: That's fine.<br/>7 MR. SPARROW: Yes.<br/>8 MS. HAMMETT: Okay.<br/>9 MR. GARRETT: It's fine with me.<br/>10 BY MS. HAMMETT:<br/>11 Q All right. Mr. Jackson, please tell me,<br/>12 and, more importantly, tell the jury everything you<br/>13 can remember about the accident that took place in<br/>14 Troy.<br/>15 A Okay. Well, the -- I was traveling<br/>16 southbound on Highway 231, roughly, about three to<br/>17 four miles south of Troy, Alabama. It was, I guess,<br/>18 about -- I want to say around nine -- between nine<br/>19 and nine-thirty in the evening. It was raining. It<br/>20 wasn't a downpour, but it was raining and it was<br/>21 dark.<br/>22 As I came up the hill, a truck passed me.<br/>23 I guess that was the truck that I guess your client<br/>24 was in. We were --<br/>25 Q Let me interrupt you. When you say my</p>  |
| Page 6  | Page 8  |
| <p>1 Q What's your Social Security number?<br/>2 A 578-08-9028.<br/>3 Q Mr. Jackson, what do you do for a living?<br/>4 A I drive a truck.<br/>5 Q And what's your home address?<br/>6 A 360 West Washington Street, Orlando,<br/>7 Florida, 32801.<br/>8 Q And did you witness the accident that we<br/>9 referred to that took place on March 7th, 2005, on<br/>10 Highway 231 in Troy, Alabama?<br/>11 A Yes, I did.<br/>12 Q We're here today because you did witness<br/>13 this accident that's made the basis of this lawsuit,<br/>14 and as a witness, your testimony is important for a<br/>15 jury to understand what happened in this accident.<br/>16 And because you live in Orlando and<br/>17 because the trial is likely to take place in<br/>18 Montgomery, Alabama, we're videotaping this<br/>19 deposition today, but it's for presentation to the<br/>20 jury.<br/>21 A Okay.<br/>22 Q So do you understand that we're going to<br/>23 videotape this and that you're under oath today?<br/>24 A Yes.<br/>25 MS. AMBROSE: Katie?</p> | <p>1 client, do you mean Mr. Dukes, the driver of the<br/>2 truck?<br/>3 A The driver -- I guess it was a white<br/>4 Freightliner.<br/>5 Q Okay.<br/>6 A I'm assuming that was the driver who was<br/>7 killed. I'm not -- I didn't know who was in what<br/>8 truck at the time.<br/>9 But the truck passed me. I was doing<br/>10 about 45 miles an hour. He was probably doing about<br/>11 between 50 and 55 going up the hill. As he passed<br/>12 me, we topped the hill. He was probably, I want to<br/>13 say, a little bit shorter than the length of a<br/>14 football in front of me, in between 75 and 50 yards<br/>15 in front of me.<br/>16 I saw sparks come off the back of his<br/>17 truck. I assumed that he had blown a tire, so I<br/>18 slowed down to give him, you know, room to do<br/>19 whatever needed to be done to get his truck, you<br/>20 know, off to the side of the road or whatever<br/>21 happened -- whatever was going to happen.<br/>22 Right after I saw the sparks, I would say<br/>23 about four to five seconds after that, his truck<br/>24 took an extremely hard turn to the left, which<br/>25 actually took him into oncoming traffic. So he</p> |

2 (Pages 5 to 8)

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| Page 9  | Page 11  |
|---|--|
| <p>1 crossed from the southbound lane to the northbound<br/> 2 side of 231. This took place right at -- I believe<br/> 3 it was a Pritchard's gas station, just to the right,<br/> 4 and that's the landmark that I remember because it<br/> 5 was right there at that gas station.<br/> 6 When the truck took a hard turn to the<br/> 7 left, it was almost as though he just turned the<br/> 8 truck extremely hard, is what it appeared to me. I<br/> 9 didn't know what was going on. The trailer started<br/> 10 to turn to go over and land on its side, and just<br/> 11 as -- just before the trailer hit, a truck that was<br/> 12 traveling in the northbound side of 231 made impact<br/> 13 with the truck that just crossed over from the<br/> 14 southbound to northbound side. The two trucks hit,<br/> 15 and there was, you know, fire almost<br/> 16 instantaneously.<br/> 17 At that point, I stopped the truck, got<br/> 18 out, and tried to, you know, call for the drivers.<br/> 19 There was another truck driver behind me -- I don't<br/> 20 know his name -- who got out just about the same<br/> 21 time I did. He was behind me, apparently. And<br/> 22 there was another gentleman there who I don't know<br/> 23 where he came from.<br/> 24 We pulled one driver -- both drivers were<br/> 25 in the ditch, which would have been on the</p> | <p>1 rescue and the police got there, which, I guess, was<br/> 2 probably -- I mean, it probably wasn't as long as it<br/> 3 appeared -- as it seemed to be, but if I was to<br/> 4 guess, maybe ten minutes, I guess, from the call. I<br/> 5 made a call, as soon as I saw it happening, to 911.<br/> 6 And apparently there was another accident that I did<br/> 7 not see that was, I guess, in front of the truck<br/> 8 that I was behind. And that was pretty much about<br/> 9 it.<br/> 10 <b>Q Okay. Let's -- for identification</b><br/> 11 <b>purposes, the truck that passed you --</b><br/> 12 <b>A Uh-huh.</b><br/> 13 <b>Q -- was a -- a white Freightliner?</b><br/> 14 <b>A That's correct.</b><br/> 15 <b>Q And do you understand today who was</b><br/> 16 <b>driving that truck?</b><br/> 17 <b>A I do now, yes.</b><br/> 18 <b>Q And who was that?</b><br/> 19 <b>A That was your client, or --</b><br/> 20 <b>Q Michael Dukes; --</b><br/> 21 <b>A Correct.</b><br/> 22 <b>Q -- is that correct?</b><br/> 23 <b>A That was Michael, yes.</b><br/> 24 <b>Q Okay. And the other truck that was</b><br/> 25 <b>involved in this accident, do you know who was</b></p>   |
| Page 10   | Page 12  |
| <p>1 northbound side of 231. One was walking up the<br/> 2 incline there from the ditch who I saw and<br/> 3 approached, and he was pretty badly burned. I found<br/> 4 out later that was the driver of the northbound<br/> 5 truck that actually hit the other truck. He was<br/> 6 burned pretty badly. I called to him. He was<br/> 7 coming up. He said don't touch him because his skin<br/> 8 was on fire -- or it wasn't actually on fire, but<br/> 9 his skin was badly burned and it was starting to<br/> 10 peel. I directed him up to the hill. And somebody<br/> 11 else that was there assisted him to the side of the<br/> 12 road.<br/> 13 We went -- I went back down the ditch<br/> 14 where the other driver was, the one that was behind<br/> 15 me, and we got another driver who was laying under<br/> 16 some type of debris, and we pulled him out of the<br/> 17 ditch. At that time, he was conscious. He was<br/> 18 talking, in a lot of pain. I believe he said his<br/> 19 name was Michael. And we pulled him as far out as<br/> 20 we could.<br/> 21 The trucks were on fire. There was things<br/> 22 exploding, a lot of smoke. And we pulled him a<br/> 23 little further away from where the wreck had<br/> 24 happened, I guess from the ditch that was actually<br/> 25 burning as well. And we sat there until fire and</p>            | <p>1 <b>driving that truck now? Do you have an</b><br/> 2 <b>understanding --</b><br/> 3 <b>A Yes. That was the gentleman who actually</b><br/> 4 <b>walked up the ditch.</b><br/> 5 <b>Q And do you know what his name is?</b><br/> 6 <b>A I do not know what his name was.</b><br/> 7 <b>Q Does Gerald Ruhnow sound familiar to you</b><br/> 8 <b>at all?</b><br/> 9 <b>A I couldn't even tell you. He never did</b><br/> 10 <b>say his name, so I don't know.</b><br/> 11 <b>Q Okay. Let's talk just briefly about, you</b><br/> 12 <b>said there was another accident that happened in</b><br/> 13 <b>front of this accident?</b><br/> 14 <b>A Correct.</b><br/> 15 <b>Q Do you know who was involved in that</b><br/> 16 <b>accident?</b><br/> 17 <b>A All I know is that there was a car and a</b><br/> 18 <b>motorcycle. I found that out by the state trooper,</b><br/> 19 <b>who -- when he was taking my statement, that there</b><br/> 20 <b>was another accident. I never -- I do remember a</b><br/> 21 <b>motorcycle passing me that evening right before the</b><br/> 22 <b>accident happened, but I didn't witness that. I was</b><br/> 23 <b>told about that one, so I don't know exactly what</b><br/> 24 <b>happened.</b><br/> 25 <b>Q Do you remember what the motorcycle that</b></p> |

3 (Pages 9 to 12)

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|---------|--|---------|--|
| Page 13 | <p>1 passed you looked like?</p> <p>2 A It looked like a black motorcycle. I</p> <p>3 mean, I couldn't tell you what kind it was, because</p> <p>4 it passed me to the right, because I was moving a</p> <p>5 lot slower than most traffic. So I waited for him</p> <p>6 to pass, I waited for the other truck to pass, and</p> <p>7 then I moved over.</p> <p>8 I remember he had on a rain suit, a yellow</p> <p>9 rain suit. That's about all I remember of seeing,</p> <p>10 because it's like a glancing thing.</p> <p>11 Q Sure. Did the motorcycle -- about how</p> <p>12 long after the motorcycle passed you did you witness</p> <p>13 this accident?</p> <p>14 A It wasn't very long. Maybe 15, 20</p> <p>15 minutes. I mean, it's kind of hard to say. It was</p> <p>16 a long time ago, almost a year ago.</p> <p>17 Q Okay.</p> <p>18 A He would have passed us -- let's see,</p> <p>19 there were two hills -- there are two hills coming</p> <p>20 out of Troy. And I want to say he passed me as we</p> <p>21 were going down the first hill, as we came over and</p> <p>22 were going down the first hill, before we started to</p> <p>23 go up the second hill, which was right before the</p> <p>24 Pritchard. So I would say he may have passed me a</p> <p>25 mile and a half south of Troy maybe.</p>          | Page 15 | <p>1 he just blew a tire on the trailer.</p> <p>2 Q Well, you drive trucks, correct?</p> <p>3 A Correct.</p> <p>4 Q Okay. I don't. I've never driven a large</p> <p>5 truck. But when somebody's tire blows out, are</p> <p>6 there usually sparks?</p> <p>7 A Not usually. Not usually. Usually</p> <p>8 there's a loud noise and you just see debris from</p> <p>9 the tire and like dust and dirt come off of a truck.</p> <p>10 I mean, very rarely do you see sparks.</p> <p>11 I've been driving for ten years, and I can't</p> <p>12 remember any time that I've actually seen sparks</p> <p>13 come off a truck from a blown tire.</p> <p>14 Q Okay.</p> <p>15 A Because I usually don't -- like, sometimes</p> <p>16 they will disintegrate, which is very rare, but</p> <p>17 usually it's just a cap or the tread actually comes</p> <p>18 off. But the tire is still on the rim. And that's</p> <p>19 where the dust and stuff comes from. Because</p> <p>20 there's two tires on each axle -- or I should say on</p> <p>21 one side of each axle. There's two tires on the</p> <p>22 right-hand side and two tires on the left. So</p> <p>23 normally when one tire blows, the tire that's on the</p> <p>24 inside or the outside takes the weight of whatever</p> <p>25 is in the trailer. So the tires don't normally hit</p> |
| Page 14 | <p>1 Q Okay. Do you know how fast that</p> <p>2 motorcycle was going, approximately?</p> <p>3 A Probably not more than 55, 60, if that. I</p> <p>4 mean, we were all kind of -- I know I was going</p> <p>5 slow, because I was fully loaded. So as I was</p> <p>6 coming up the other hill, I was slowed down by that</p> <p>7 weight. He probably wasn't going more than 55, 60,</p> <p>8 at the most. I mean, it's kind of hard to say</p> <p>9 because I was going so slow.</p> <p>10 Q How long after that motorcycle passed you</p> <p>11 did Mr. Duke's truck pass you?</p> <p>12 A Wow. Not very long after that. Again,</p> <p>13 Michael -- Mr. Duke's truck, I think, was behind the</p> <p>14 motorcycle. He was behind me initially, and then he</p> <p>15 moved over and began to pass. So I would say a</p> <p>16 couple of minutes maybe. You know, maybe longer</p> <p>17 than that.</p> <p>18 But, again, he had to slow down for the</p> <p>19 hill as well, because he was -- I'm assuming he</p> <p>20 was -- I don't know, but . . .</p> <p>21 Q So what was the first indication to you</p> <p>22 that something was wrong?</p> <p>23 A I saw sparks come off the back of it</p> <p>24 appeared to be the trailer, and that's what made me,</p> <p>25 you know, slow down, because I thought -- I assumed</p> | Page 16 | <p>1 the ground. They don't normally -- the rims don't</p> <p>2 normally touch the ground, unless both of them blow</p> <p>3 at the same time.</p> <p>4 Q So you told me earlier that it's your</p> <p>5 understanding that there was an accident that</p> <p>6 happened before my driver came on and --</p> <p>7 A That's correct.</p> <p>8 Q -- you saw these sparks?</p> <p>9 A That's correct.</p> <p>10 Q And do you have an understanding of what</p> <p>11 that accident was?</p> <p>12 A From what the state trooper --</p> <p>13 MS. AMBROSE: Object to the form.</p> <p>14 THE COURT REPORTER: I'm sorry?</p> <p>15 MR. GARRETT: Same objection, just based</p> <p>16 on hearsay.</p> <p>17 THE COURT REPORTER: Who's speaking?</p> <p>18 MS. HAMMETT: Can you-all identify</p> <p>19 yourselves when you object?</p> <p>20 MS. AMBROSE: I'm sorry. Linda.</p> <p>21 MR. GARRETT: And Brett Garrett for</p> <p>22 Christy Champion.</p> <p>23 BY MS. HAMMETT:</p> <p>24 Q You can answer the question.</p> <p>25 A I can't?</p>  |



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| Page 17  | Page 19   |
|--|---|
| <p>1 <b>Q You can.</b></p> <p>2 A Oh, okay. From what the state trooper</p> <p>3 told me when I was sitting in the vehicle when he</p> <p>4 was taking my statement, apparently a car pulled out</p> <p>5 in front of the motorcycle from the gas station.</p> <p>6 The motorcycle rear-ended the car, and that the</p> <p>7 truck that was in front of me hit the motorcycle.</p> <p>8 And that's where the sparks came from, because the</p> <p>9 truck was popped up in the air by the front tire,</p> <p>10 what we call the steer tire. I'm assuming on the</p> <p>11 right-hand side. He didn't specify which side. It</p> <p>12 popped the truck in the air. When it came down, it</p> <p>13 landed on top of the motorcycle, blew the steer</p> <p>14 tire, and that's where the sparks came from.</p> <p>15 And that's what -- when the truck came</p> <p>16 down, it hit that bare metal on concrete. That's</p> <p>17 what turned it to the left and shot it across into</p> <p>18 oncoming traffic. That's what I was told. I mean,</p> <p>19 I didn't witness any of that. And, apparently,</p> <p>20 that's what exploded and made the two trucks catch</p> <p>21 fire as well. But I couldn't tell what actually</p> <p>22 made them catch fire, but it couldn't have been more</p> <p>23 than maybe a second or two before I saw flames after</p> <p>24 the two trucks impacted.</p> <p>25 <b>Q Having been told that about the</b></p>        | <p>1 trying to console her. I don't know if they were</p> <p>2 involved or not. It appeared to be, as distraught</p> <p>3 as she was, but I couldn't say one way or the other</p> <p>4 whether she was the one that was involved.</p> <p>5 There were a few people standing around.</p> <p>6 There was, of course, the traffic that was behind me</p> <p>7 that had stopped. But other than that, I mean,</p> <p>8 other than onlookers, those are the only people that</p> <p>9 I saw.</p> <p>10 <b>Q So you didn't -- you didn't see anything</b></p> <p>11 <b>ahead of you that would cause you to believe that</b></p> <p>12 <b>there was an accident before the sparks started?</b></p> <p>13 A No. I was directly behind Michael's</p> <p>14 truck.</p> <p>15 <b>Q And I think you stated earlier that it was</b></p> <p>16 <b>dark and raining; is that correct?</b></p> <p>17 A That's correct.</p> <p>18 <b>Q Before you saw the sparks or even</b></p> <p>19 <b>afterwards, did you see Michael make any sort of</b></p> <p>20 <b>evasive maneuvers?</b></p> <p>21 A I saw the truck kind of wiggle. What I</p> <p>22 mean by wiggle, it was like he kind of went left and</p> <p>23 then went right, and then that's when he went across</p> <p>24 the road. But it wasn't like a major move. It was</p> <p>25 just kind of like, you know, a short jog this way, a</p>                                      |
| Page 18  | Page 20   |
| <p>1 <b>motorcycle, does it make more sense to you now that</b></p> <p>2 <b>there were sparks?</b></p> <p>3 A Yeah, it makes absolutely all -- more</p> <p>4 sense than ever, because, again, I've been driving</p> <p>5 for ten years. I've blown tires. I've seen them</p> <p>6 blown. I've blown both tires. I mean, I've gone</p> <p>7 through probably just about everything that a person</p> <p>8 could go through in a truck. I've seen just about</p> <p>9 everything. I mean, I'm sure there's some things I</p> <p>10 haven't seen, but, you know, I've put in well over a</p> <p>11 million and a half, two million miles in my time of</p> <p>12 driving, and I've seen a lot of different accidents</p> <p>13 happen. I've seen the results of a lot of</p> <p>14 accidents. And I've never seen a truck blow a tire</p> <p>15 and have sparks come off of it. I've never seen</p> <p>16 that, and I've never experienced it. It doesn't</p> <p>17 mean it doesn't happen, but I personally have never</p> <p>18 seen it happen.</p> <p>19 <b>Q After the accident, did you notice any</b></p> <p>20 <b>other vehicles on the side of the road or did you</b></p> <p>21 <b>see this motorcycle?</b></p> <p>22 A I never saw the motorcycle because it was</p> <p>23 under the truck. It was dragged across the road as</p> <p>24 well. I did see a woman who was very distraught,</p> <p>25 you know, crying, and another gentleman that was</p> | <p>1 short jog that way (indicating), and then that's</p> <p>2 when I saw the sparks. And then right after the</p> <p>3 sparks, he shot across the road.</p> <p>4 <b>Q You said he made a hard left, is that --</b></p> <p>5 A That's what -- I mean, that's -- I</p> <p>6 don't -- I'm not saying that he did it. That's</p> <p>7 what it -- I mean, to kind of give you a visual of</p> <p>8 what it looked like, it looked as though he just</p> <p>9 took the wheel and just turned it left as hard as he</p> <p>10 possibly could at 50 miles an hour. I mean, that's</p> <p>11 what it appeared. That's what it looked like for</p> <p>12 me. It's like first of all the truck was going</p> <p>13 straight, and all of a sudden it just shoots to the</p> <p>14 left and just goes, like, straight across the road.</p> <p>15 So, I mean, it was -- it was very strange.</p> <p>16 <b>Q You said, I'm not saying he did it. What</b></p> <p>17 <b>did you mean by that?</b></p> <p>18 A Well, I mean, in terms of -- I mean, a</p> <p>19 truck -- it wouldn't make any sense for a truck</p> <p>20 driver just to, you know, turn his truck to the</p> <p>21 point to where his trailer turns over for no</p> <p>22 apparent reason.</p> <p>23 I mean, being behind him, it was just</p> <p>24 like, you know -- it looked as though something was</p> <p>25 wrong. Maybe he blew a steer tire. Maybe a tire</p> |

5 (Pages 17 to 20)